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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSE ESPINOZA (2),

14 aka "Tio,"

aka "Vecino,"

15 Defendant.

Case No. 15cr0575-GPC

PRELIMINARY ORDER OF
CRIMINAL FORFEITURE

16
17 WHEREAS, in the Superseding Indictment in the above-captioned case, the
18 United States sought forfeiture of all right, title and interest in specific properties of
19 the above-named Defendant, JOSE ESPINOZA (2) ("Defendant"), pursuant to
20 Title 21, United States Code, Section 853, as properties constituting, or derived from,
21 any proceeds Defendant obtained directly or indirectly, as the result of the violation
22 of 21 U.S.C. §§ 841(a)(1) and 846, as well as any properties used or intended to be
23 used to facilitate the commission of these violations, as charged in the Superseding
24 Indictment; and

25 WHEREAS, on or about June 7, 2016, Defendant pled guilty before Magistrate
26 Judge Karen S. Crawford to Count 1 of the Superseding Indictment, which plea
27 included consents to the forfeiture allegations of the Superseding Indictment, and to

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1 the forfeiture of all property seized in connection with this case, including the
2 following:

- 3 a. One 2007 Maroon Nissan X-Terra, California license plate
4 PERDDO, VIN 5N1AN08W37C514847, and
5 b. \$4,900.00 in U.S. Currency; and

6 WHEREAS, on July 12, 2016, this Court accepted the guilty plea of
7 Defendant; and

8 WHEREAS, by virtue of the facts set forth in the plea agreement the
9 United States has established the requisite nexus between the forfeited properties and
10 the offense; and

11 WHEREAS, by virtue of said guilty plea, the United States is now entitled to
12 possession of the above-referenced properties, pursuant to 21 U.S.C. § 853 and Rule
13 32.2(b) of the Federal Rules of Criminal Procedure; and

14 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the
15 authority to take custody of the above-referenced properties which were found
16 forfeitable by the Court; and

17 WHEREAS, the United States, having submitted the Order herein to the
18 Defendant through his attorney of record, to review, and no objections having been
19 received;

20 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

21 1. Based upon the guilty plea of the Defendant, the United States is hereby
22 authorized to take custody and control of the following assets, and all right, title and
23 interest of Defendant JOSE ESPINOZA (2) in the following properties are hereby
24 forfeited to the United States for disposition in accordance with the law, subject to
25 the provisions of 21 U.S.C. § 853(n):

- 26 a. One 2007 Maroon Nissan X-Terra, California license plate
27 PERDDO, VIN 5N1AN08W37C514847, and
28 b. \$4,900.00 in U.S. Currency.

1 2. The aforementioned forfeited assets are to be held by the United States
2 Marshals Service in its secure custody and control.

3 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized
4 to begin proceedings consistent with any statutory requirements pertaining to
5 ancillary hearings and rights of third parties. The Court shall conduct ancillary
6 proceedings as the Court deems appropriate only upon the receipt of timely third
7 party petitions filed with the Court and served upon the United States. The Court
8 may determine any petition without the need for further hearings upon the receipt of
9 the Government's response to any petition. The Court may enter an amended order
10 without further notice to the parties.

11 4. Pursuant to the Attorney General's authority under Section 853(n)(1) of
12 Title 21, United States Code, Rule 32.2(b)(6), Fed. R. Crim. P., and Rule G(4) of the
13 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions,
14 the United States forthwith shall publish for thirty (30) consecutive days on the
15 Government's forfeiture website, www.forfeiture.gov, notice of this Order, notice of
16 the United States' intent to dispose of the properties in such manner as the Attorney
17 General may direct, and notice that any person, other than the Defendant, having or
18 claiming a legal interest in the above-listed forfeited properties must file a petition
19 with the Court within thirty (30) days of the final publication of notice or of receipt of
20 actual notice, whichever is earlier.

21 5. This notice shall state that the petition shall be for a hearing to
22 adjudicate the validity of the petitioner's alleged interest in the property, shall be
23 signed by the petitioner under penalty of perjury, and shall set forth the nature and
24 extent of the petitioner's right, title or interest in the forfeited property and any
25 additional facts supporting the petitioner's claim and the relief sought.

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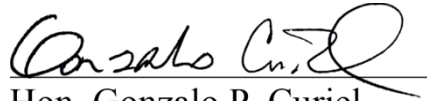
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1 6. The United States may also, to the extent practicable, provide direct
2 written notice to any person known to have alleged an interest in the properties that
3 are the subject of the Preliminary Order of Criminal Forfeiture, as a substitute for
4 published notice as to those persons so notified.

5 7. Upon adjudication of all third-party interests, this Court will enter an
6 Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n) as to the
7 aforementioned assets, in which all interests will be addressed.

8 8. Pursuant to Rule 32.2(b)(4), this Order of Forfeiture shall be made final
9 as to the Defendant at the time of sentencing and is part of the sentence and included
10 in the judgment.

11 Dated: July 21, 2016


Hon. Gonzalo P. Curiel
United States District Judge